

## Message Text

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ORIGIN SCSE-00

INFO OCT-01 L-03 ARA-10 JUSE-00 ISO-00 SCA-01 /015 R

DRAFTED BY SCA;SCS;RBOYLAN:JS

APPROVED BY SCA;SCS;AFOWLER

SCA;SCS;LPMULLIN

L/T:JBOYD

ARA/CAR:JTHYDEN

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R 251859Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

UNCLAS STATE 278798

E.O. 11652:N/A

TAGS: CGEN: JUDICIAL ASSISTANCE

SUBJECT: JUDICIAL ASSISTANCE AVAILABLE TO FOREIGN TRIBUNALS  
UNDER BAHAMIAN PRACTICE

1' DEPARTMENT OF JUSTICE HAS REQUESTED EMBASSY'S ASSISTANCE  
IN DETERMINING WHETHER BAHAMIAN COURTS WILL COMPEL TESTIMONY  
AND/OR REQUIRE PRODUCTION OF OTHER EVIDENCE FROM  
WITNESSES RESIDING IN THE BAHAMAS UPON THE REQUEST OF AN  
AMERICAN COURT IN THE FORM OF LETTERS ROGATORY (OR ANY OTHER  
FORM). JUSTICE DEPT. PARTICULARLY INTERESTED IN WHETHER  
BAHAMAS HAVE ADOPTED STATUTE SUCH AS U.K.'S "FOREIGN  
TRIBUNALS EVIDENCE ACT OF 1856" 19&20 VICTORIA C. 13. IF  
THAT STATUTE OR ITS EQUIVALENT IS NOT IN FORCE, UNDER WHAT  
CIRCUMSTANCES WILL THE BAHAMIAN COURTS ASSIST U.S. COURTS  
IN PROCURING EVIDENCE FOR USE IN JUDICIAL PROCEEDINGS IN  
U.S.

2. SEPARATE BUT RELATED QUESTION: DO THE BAHAMAS  
CONTEMPLATE ACCEDING TO THE HAGUE CONVENTION ON THE  
SERVICE ABROAD OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN  
CIVIL OR CRIMINAL MATTERS, DONE AT THE HAGUE ON 11/12/65?

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THIS CONVENTION PROVIDES A METHOD FOR SERVING PROCESS,  
AND UK AND USG ARE PARTIES. HOWEVER, THIS CONVEN-

TION WAS NEVER EXTENDED TO THE BAHAMAS BY THE UK PRIOR TO  
THE INDEPENDENCE OF THE BAHAMAS.

3. IN PREPARING REPLY TO PARA. 1, PLEASE REFER TO NASSAU  
290 OF MAR. 5, 1973, CONCERNING PRE-INDEPENDENCE PRACTICE  
IN PROVIDING JUDICIAL ASSISTANCE PRUSUANT TO LETTERS  
ROGATORY. KISSINGER

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## Message Attributes

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**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 DEC 2003 by MaustMC>; APPROVED <27 JAN 2004 by izenbei0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
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**TAGS:** CGEN  
**To:** NASSAU  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006